

CUSTOMER NO.: 38107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	Examiner: Louis M. ARANA
Shmaryu M. SHVARTSMAN)	
)	Art Unit: 2859
Serial No.: 10/535,530)	
)	Confirmation: 4305
Filed: May 18, 2005)	
)	
For: SHIELDED GRADIENT)	BOX AF
FIELD COIL WITH SHARED)	
TURNS FOR MAGNETIC)	
RESONANCE IMAGING)	
)	
Mail Date of Last Office Action:)	
February 7, 2007)	
)	
Attorney Docket No.:)	Cleveland, OH 44114
PHUS020449US / PKRZ 2 00770)	March 26, 2007

PETITION OF RESTRICTION/CONSTRUCTIVE ELECTION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This application was originally filed with 28 claims.

In a first Office Action on the merits of August 23, 2006, the Examiner issued an Office Action specifically addressing and rejecting each of claims 1-28 on prior art.

In a response filed November 20, 2006, the applicant placed several of the dependent claims in independent form, including each of the elements of their parent claim.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I certify that this paper and accompanying documents in connection with U.S. Serial No. 10/535,530 are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

March 26, 2007
Date

Patricia A. Heim
Patricia A. Heim

DEPOSIT ACCOUNT

The Patent Office is authorized to charge any fees associated with this filing to our deposit account no. **14-1270**

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In the Office Action of February 7, 2007, the Examiner held the dependent claims which were placed in independent form to be constructively elected and withdrawn from consideration because "The inventions in these groups relate to the originally-filed invention as subcombinations usable together, the subcombinations do not overlap in scope and are not obvious variations of one another."

The applicants assert that holding these claims constructively elected was done in error.

First, each of the dependent claims incorporated each of the elements of their parent claim. None of the claims which have been held as constructively non-elected are directed to a subcombination of their parent claim. Rather, each constructively non-elected claim includes all of the elements of the original parent claim. For example, original claim 1 includes four elements: (1) a primary coil, (2) a shield coil, (3) a plurality of coil jumps, and (4) a current path. Claim 5, which had depended from claim 1 and which is now held as constructively non-elected also includes four elements: (1) the primary coil, (2) the shield coil, (3) the coil jumps, and (4) the current path. Claim 5 differs from claim 1 in that it sets forth the primary coil with greater specificity. That is, it is directed to the same combination of elements, but claims the primary coil more specifically. It is submitted that claim 5 differs in scope, but not as a subcombination from claim 1.

Similarly, independent claim 18, which was examined in the first Office Action, called for three method steps: (1) circulating an electric current through a primary coil, (2) circulating an electric current through a shield coil, and (3) communicating the electric current. New claim 19 calls for the same three steps plus one additional step. Because claim 19 contains all of the steps of originally examined method claim 18, plus an additional step, it is submitted that it cannot be a subcombination. Similarly, when dependent claim 25 was placed in independent form, it again included the three method steps of parent claim 18, i.e., the two circulating steps and the communicating step. Claim 25 added an additional step. Because when claim 25 was placed in independent form, it included all of the steps of its original parent claim, plus more, it is submitted that claim 25 cannot be a subcombination of the parent claim.

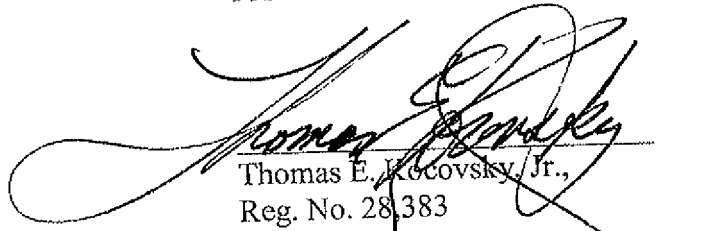
Not only is the Examiner's assertion that the constructively non-elected claims are subcombinations, the Examiner is further incorrect in asserting a

constructive election of claims that had been previously examined. Again, the Examiner examined and issued an Office Action on all 28 original claims. Placing dependent claims in independent form including all of the elements of their original parent claim does not set forth a new or restrictable invention. Rather, because the Examiner has already issued an Office Action on all claims, the holding that some of the originally examined claims are now constructively non-elected is erroneous.

An early reversal of the Examiner's constructive election and an Office Action on the merits of all claims is requested.

Respectfully submitted,

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